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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DEANNA TANNER,

Case No. 3:20-cv-1789

Plaintiff,

v.

**DEFENDANTS' NOTICE OF
REMOVAL**

T.J. MAXX, INC., and THE TJX
COMPANIES, INC.,

JURY TRIAL REQUESTED

Defendants.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a), Defendants T.J. Maxx, Inc. and The TJX Companies, Inc. (hereinafter "Defendants") remove this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon, Portland Division.

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RELEVANT FACTS

On September 30, 2020, Plaintiff filed a Complaint in the case captioned *Deanna Tanner, Plaintiff, v. T.J. Maxx, Inc., and The TJX Companies, Inc.*, Case No. 20CV33858, filed in the Circuit Court for the State of Oregon for the County of Multnomah. Copies of the Summonses and Complaint are attached hereto as Exhibits A and B, respectively. *See* Declaration of Jessica Lancaster (hereinafter “Lancaster Dec.”), ¶2.

On October 7, 2020, Plaintiff served Defendants with the Summonses and Complaint captioned *Deanna Tanner, Plaintiff, v. T.J. Maxx, Inc., and The TJX Companies, Inc.*, Case No. 20CV33858, filed in the Circuit Court for the State of Oregon for the County of Multnomah. Lancaster Dec., ¶3. The Affidavits of Service confirming proof of service on Defendants T.J. Maxx, Inc. and The TJX Companies, Inc. are collectively attached as Exhibit C to the Lancaster Dec. These documents, taken together, constitute all process, pleadings and orders served on Defendants or filed in the Multnomah County action up to the present date. Lancaster Dec., ¶2.

GROUNDS FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principle claims for relief against Defendants exceed \$75,000. Plaintiff seeks damages of \$300,000. Complaint ¶¶11, 12.
2. Plaintiff and Defendants are residents of different states. Plaintiff resides in Oregon and Defendants are corporations with their principal place of business located in Massachusetts.

See Defendant's Corporate Disclosure Statement (being filed concurrently). Defendants are Massachusetts and Delaware corporations with their principal places of business in Massachusetts. Lancaster Dec., ¶4. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Defendants on October 7, 2020. A copy of the Affidavits of Service are attached as Exhibit C to the Lancaster Dec., ¶3.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Multnomah as of the date of this removal other than outlined herein.

5. Counsel for Defendants will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that this action be removed from the Circuit Court for the State of Oregon for the County of Multnomah and placed on the docket of the United States District Court for the District of Oregon in the Portland Division.

Dated this 16th day of October, 2020.

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
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DEANNA TANNER,

Case No. 3:20-cv-1789

Plaintiff,

CERTIFICATE OF SERVICE

v.

T.J. MAXX, INC., and THE TJX
COMPANIES, INC.,

Defendants.

I hereby certify that on the 16th day of October, 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered individuals. Additionally, I hereby certify that a true copy of the foregoing **DEFENDANTS' NOTICE OF REMOVAL** was served as stated below on:

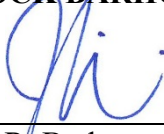
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- ☐ By hand delivery
- ☒ By first-class mail*
- ☐ By overnight mail
- ☐ By facsimile transmission:
Fax #: (888) 543-4806
- ☒ By U.S. District Court CM/ECF e-filing
service to registered parties
- ☒ By e-mail:
nick@clarkegriffin.com

*With first-class postage prepaid and deposited in Portland, Oregon.

Dated this 16th day of October, 2020.

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